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NOV 05 2015

DEPARTMENT OF
PLANNING & ZONING

VIA HAND DELIVERY ON THIS DATE

November 5, 2015

City of Burlington
Department of Planning & Zoning
149 Church Street
Burlington, VT 05401

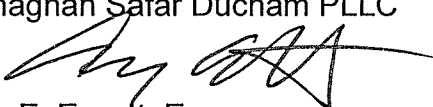
Re: Notice of Appeal of Administrative Decision
154 Park Street

To Whom It May Concern:

Enclosed please find a Notice of Appeal of Administrative Decision as well as a check in the amount of \$250.00 for the fee. Thank you for your attention to this matter. Please contact me should you have any questions.

Sincerely,

Monaghan Safar Ducham PLLC


Amy E. Escott, Esq.

Cc: Maggie Standley
Amy Pickering

CITY OF BURLINGTON

NOTICE OF APPEAL OF ADMINISTRATIVE DECISION

RECEIVED
NOV 05 2015

Subject Location Address: 154 Park Street

Subject Property Owner: Amy Pickering

Appellant: Maggie Standley
13 Myrtle Street
Adjacent property owner

Description of Decision: Administrative approval of use of single-family home as a small daycare.
ZP # 16-0511CA

Description of Property: 154 Park Street

DEPARTMENT OF
PLANNING & ZONING

Regulatory provision applicable to appeal: Burlington Comprehensive Development Ordinance, Article 13, Definitions - Day Care, (a) Family Day Care Home.

Relief Requested:

1. Reverse the Zoning Administrator's determination that the subject family day care facility is considered by right to constitute a permitted accessory use to a single detached dwelling and the administrative approval thereof; and
2. Require Conditional Use Review of the change of use of the single family home to a single family with a home occupation (unlicensed day care) pursuant to Article 5.4.6(b).

Alleged grounds why relief requested is proper: Article 13 defines a Family Day Care Home as a "*state-registered or licensed day care facility* serving up to six (6) pre-school plus four (4) school aged children." [Emphasis added]. Applicant's day care facility is not state-registered or licensed per Applicant's own Zoning Permit Application and does not meet the definition of Family Day Care Home. Therefore, Applicant's use of the single family home as an unlicensed day care does not constitute a permitted accessory use and is subject to Conditional Use Review as a home occupation pursuant to Article 5.4.6(b) of the Burlington Comprehensive Development Ordinance.

Dated: November 5, 2015

By: 

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